IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 662 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KANBAI HARJIBHAI PATEL

Versus

HARJI KARSAN PATEL

Appearance:

1. Appeal from Order No. 662 of 1999

MR YOGESH S LAKHANI for Appellant No.

MR SURESH M SHAH for Respondent No. 1

MR MEHUL S SHAH for Respondent No. 1

RULE SERVED for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 14/10/2004

ORAL JUDGEMENT

1. Learned advocate Mr. M.S. Shah for the respondent No.1 states that the original suit is already disposed of by the trial Court on 21st May 2003, and, therefore, this Appeal from Order which is filed against an interlocutory order in the said suit, has become infructuous. Mr. Shah further submitted that against the decree passed by the trial Court, even a First Appeal is also filed in the High Court.

2. Considering the statement of Mr. Shah, this Appeal from Order is dismissed as having become infructuous. No order as to costs.

3. In view of the aforesaid order passed in the main Appeal from Order, the Civil Application stands rejected. Notice is rejected. Interim relief is vacated. No order as to costs.

mathew [P.B.MAJMUDAR, J.]